



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Rockville MD 20857

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The Honorable Donald A. Manzullo  
House of Representatives  
Washington, D.C. 20515-1316

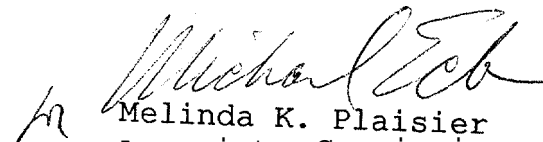
Dear Mr. Manzullo:

Thank you for your letter of October 27, 1999 concerning the Food and Drug Administration's (the Agency) proposed rule on refrigeration and safe handling labeling of shell eggs, which was published in the Federal Register of July 6, 1999. In summary you believe that "~~the proposed~~ label options contain wording that is unnecessarily alarmist and . . . support alternative wording proposed by egg producers and urge FDA to adopt it."

We appreciate your thoughtful comments on our proposal. Although the comment period for this regulatory proposal closed on September 20, 1999, your comments will be forwarded to the docket for this issue. The Agency does try, as time and resources permit, to accommodate comments received after the comment period.

Please contact us if we may be of any further assistance in this matter.

Sincerely,

  
Melinda K. Plaisier  
Associate Commissioner  
for Legislation

cc: Dockets Management Branch  
(Docket No. 98N-1230)

96P-0418

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DO VALD A. MANZULLO  
INTERNATIONAL RELATIONS  
VICE CHAIRMAN—INTERNATIONAL  
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ENTERPRISES

Congress of the United States  
House of Representatives  
Washington, DC 20515-1316

October 27, 1999

The Honorable Donna Shalala  
Secretary of Health and Human Services  
Department of Health and Human Services  
200 Independence Ave SW  
Washington, DC 20201-0004

Dear Secretary Shalala:

As a Member of Congress interested in the well-being of consumers and the future viability of the U.S. egg industry, I submit this letter as a comment on the Food and Drug Administration's proposed rule of July 6, 1999, amending 21 CFR Parts 16, 101, and 115 with respect to the refrigeration and labeling of shell eggs. I ask that this letter be made part of the official record with respect to Docket Nos. 98N-1230, 96P-0418, and 97P-0197.

I believe the concept of an educational message on egg cartons instructing consumers on their role in insuring food safety is appropriate. In fact, Congress amended the Egg Products Inspection Act, the principal statute governing the handling and inspection of eggs, to require both the refrigeration of shell eggs during transportation and storage and a label with the words "Keep Refrigerated."

Unfortunately, the label wording proposed July 6 by FDA is inappropriately alarmist and will not be effective at encouraging the behavioral changes that are its stated goal. Instead, the label runs a high risk of reducing consumer demand while not effecting the changes in food handling practices that will help assure food safety.

It is appropriate for egg producers, processors and government to work in partnership in order to convey safe handling information to consumers and workers in food-service industries. With safe preparation, the already-low risk of contracting salmonellosis from eggs is effectively eliminated. In this way, a safe product that can be made even safer.

I believe that each of the proposed label options contain wording that is unnecessarily alarmist. Research commissioned by the American Egg Board and involving personal interview with 300 adult consumers tends to substantiate my concern. The consumers were shown the proposed FDA label and two alternatives, both involving briefer text as well as illustrative icons. The survey found that:

- The majority of respondents saw the FDA label as a warning rather than a message to promote specific actions such as refrigeration. Of these respondents, most viewed the FDA label as either (1) a message about bacteria or (2) a warning that eggs can be harmful.

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Shalala, Donna  
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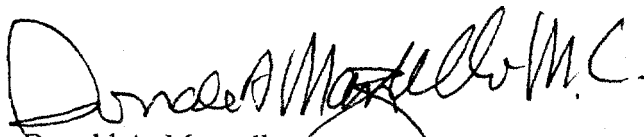
- The alternative labels altered consumers without alarming them and promoted specific consumer actions.
- Almost three times as many consumers said that the message from one of the alternative labels was "refrigerate" as gave this response for the FDA label. Consumers saw refrigeration as a primary message in each of the alternative labels.
- Similarly, the alternative labels got higher marks for encouraging "cleanliness" and conveying information on "how to cook/take care of eggs" than did the FDA label.
- A much larger portion of the consumers saw the main point of one of the alternative labels as safety (36% vs. 17% for the FDA label).

I understand that you will have access to this and other research in the public comments filed by the United Egg Producers. The government should act on sound information and choose label wording that will best achieve its goal, not merely convey the most strident message.

As a Member of Congress, I support alternative wording proposed by egg producers and urge FDA to adopt it. As proposed in comments submitted by the United Egg Producers, this alternative wording would feature separate labels for eggs packaged for consumers and those packaged for food service handlers. The wording builds on both consumer-tested messages and the successful *FightBAC* campaign developed jointly by government and industry.

Your serious consideration of these comments will be greatly appreciated. Please advise me of your and FDA's decision.

Sincerely,

  
Donald A. Manzullo  
Member of Congress

11-05-99-0028

CROSS FILE SHEET

File Number:

98N-1230/ *C 791*

See File Number:

97P-0197/ *C 792*

96P-0418/ *C 791*